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Attorneys for the Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

The parties, through their counsel, stipulate that defendant may file an Amended Answer in the form of the accompanying proposed Amended Answer. Defendant is amending his Answer to assert the Fourth Affirmative Defense asserting laches. In view of the length of time between plaintiff's unsuccessful application for employment in 1990 and his initial contact of an equal employment opportunity counselor in 1994, laches is a possible defense. An employer may raise laches as a defense in a Title VII case. *National R.R. Passenger Corp. v. Morgan*, 536 U.S. 101, 121-22, 122 S.Ct. 2061, 2077 (2002). Leave to amend should freely be given. Fed. R. Civ. Proc. 15(a). In view of

1 the early stage of the litigation and plaintiff's consent, there
2 is good cause for leave to amend.

3

4 Dated: August 10, 2005 McGREGOR W. SCOTT
5 UNITED STATES ATTORNEY

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7 /s/Joseph E. Maloney
8 JOSEPH E. MALONEY
9 ASSISTANT UNITED STATES ATTORNEY

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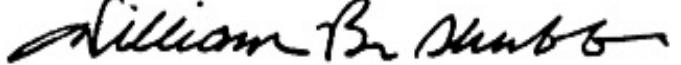
11 Dated: August 10, 2005 /s/Leo F. Donahue
12 LEO F. DONAHUE
13 ATTORNEY FOR PLAINTIFF

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15 IT IS SO ORDERED.

16 Dated: August 10, 2005

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19 WILLIAM B. SHUBB
20 UNITED STATES DISTRICT JUDGE

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